

March 21, 1975

SENATOR CAVANAUGH: I'll turn in my backbone Senator Chambers because the only way to get this thing back before us is to take Senator Murphy's motion. Then I think that the constitutional issue involved is more important than the bill. We have to get it resolved. I would recommend once we get the bill back that we give it 29 votes and we start all over. Cause now everybody at least understands the issue and you can go which way you want to go on it. The other day I don't think that we all understood the issue. If you take Senator Chambers way you'll never get back to the issue. In effect, you'll be doing just what Senator Chambers said you shouldn't do, you'll be allowing the Lieutenant Governor to have made the rule, and without any real judicial review of it by the Legislature. The only way to get back to where we were is to reconsider the action. Senator Chambers thinks that is too severe a technicality and that by reconsidering we reconfirm what the Lieutenant Governor ruled the other day. We do not. We simply implement, we use a rule of this Legislature, which is reconsideration, to get back and address the issue properly and in depth, as we should have done the other day. I don't think that we understood the consequences of what we did the other day. So we should take Senator Murphy's motion to put us back there and use a technical rule of the Legislature to do it. It doesn't bind us, or confirm in us any opinion relative to what happened the other day, but simply puts us in a position parliamentarily to get back in view with the issue.

PRESIDENT: Senator Koch.

SENATOR KOCH: Mr. President, members of the body, I'm certain that all of us understood what we're doing here today. We affirmatively voted for 240. When it got down to the money then some of us changed our votes to red. I move the previous question.

PRESIDENT: Senator Murphy do you . . . are there five seconds? The question is shall debate cease. Record your vote. Record Mr. Clerk.

CLERK: 26 ayes, 1 nays on motion to cease debate.

PRESIDENT: Motion carries. Debate shall cease. Senator Murphy.

SENATOR MURPHY: I would reply to Senator Chambers suggestion that the only way to vote right is to vote with him. I think that's an old cliché that says logic is any line of reasoning that agrees with me. I would have to assume that the other side of that logic would be any line of reasoning that agrees with me. I say that I am here before you now, because I told you that I would move to reconsider in order that an Attorney General's opinion on this might be brought before us. I do not say it is up, down, or sideways. I am doing what I said I would do. Voting to reconsider this will then place this question before us. At that time I will propound the question to the Chair of how many votes he will require on 240A. At that time you can all have at it.